



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Pdf sent via email to dhoward@Chukchansitribe.net, Donna K Howard, Paralegal.

Hard copy to follow via USPS certified mail 7013 1090 0000 1618 1314

Return Receipt Requested

April 28, 2015

Mr. Reggie Lewis, Chairman
Picayune Rancheria of the Chukchansi Indians
8080 N. Palm, Suite 207
Fresno, CA 93711

RE: Clean Water Act Section 308 Information Request (CWA-308-9-15-006);
NPDES permit CA0004009

Dear Mr. Lewis:

I am writing today to request information from the Picayune Rancheria of the Chukchansi Indians regarding the status and potential shutdown of the wastewater treatment plant serving the Chukchansi Gold Resort and Casino.

As you are aware, the Picayune Rancheria of the Chukchansi Indian Community applied to the U.S. Environmental Protection Agency (EPA) for a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of treated wastewater to Coarsegold Creek. U.S. EPA issued NPDES permit CA0004009, effective September 1, 2014 through August 31, 2019, in accordance with Section 402 of the Clean Water Act.

Due to recent activities regarding the Chukchansi Gold Resort and Casino, EPA has concerns regarding the operation and maintenance of the wastewater treatment system and the potential impacts to public health and the environment should a failure of operation occur. EPA is therefore requesting information regarding the current and planned operation of the wastewater treatment plant to assist in our assessment.

Today's request for information is directed to you, as Chairman of the Picayune Rancheria of the Chukchansi Indians and NPDES holder, pursuant to section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), which authorizes EPA to require persons subject to the Act to furnish information, conduct monitoring, provide entry to the Administrator or authorized representatives, and make reports as may be necessary to carry out the objectives of the CWA.

EPA seeks your responses to the questions listed in Attachment 1. Please read the instructions and questions in the attachment carefully before preparing your response. Your response to this initial Information Request must be postmarked **within 15 days** of receipt of this letter.

Please include the following certification signed by you, your responsible corporate officer, or duly authorized representative:

I certify under penalty of law that this submission was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of those who manage the system or are directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations under the Clean Water Act and 18 U.S.C. § 1001.

Failure to comply with this Information Request can result in enforcement action for appropriate relief and penalties under section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Information Request does not relieve you of your obligation to comply with the CWA or other applicable laws and permits.

Information you may consider to be confidential business information cannot be withheld from EPA. However, you have the discretion to assert, at the time of submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA will not disclose any information covered by such a claim except as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality is received with your submission, EPA may make the information available to the public without further notice to you. All confidentiality claims are subject to EPA verification.

This Information Request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

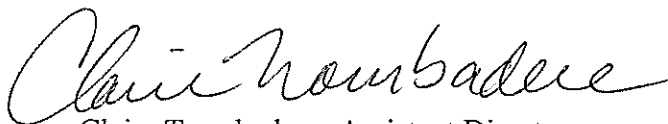
Please submit your response to:

U.S. Environmental Protection Agency, Region 9
CWA Compliance Office (ENF-3-1)
Attention: John Tinger
75 Hawthorne Street
San Francisco, CA 94105-3901

And Tinger.John@epa.gov

Thank you for your cooperation and prompt attention to this matter. If you have any questions or require further clarification, please feel free to contact John Tinger of my staff at (415) 972-3518 or Tinger.John@epa.gov.

Sincerely,

A handwritten signature in black ink, reading "Claire Trombadore". The signature is fluid and cursive, with the first name "Claire" being more prominent and the last name "Trombadore" following in a similar style.

Claire Trombadore, Assistant Director
Water and Pesticides Branch
Enforcement Division

Enclosure: Attachment 1

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region 9 (“EPA”) requires the Picayune Rancheria of the Chukchansi Indians, permit holder of National Pollutant Discharge Elimination System (NPDES) permit CA0004009, to provide to EPA the information described below (“Request for Information”),

INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to, and segregate responsive documents by, each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if written documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Whenever requested to provide documents, provide copies of all responsive documents in your possession, custody or control. If a responsive document was, but no longer is, in your possession, custody or control, explain what was done with it. If another person has possession, custody or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of Document in Place of Answer. If a document provides the complete answer to a question, you may use it in place of a written answer by supplying the document and appropriately identifying the applicable portion of the document as answering a specific numbered question.
5. Identification of a Person. Whenever requested to identify a person, state:
 - a. as to an individual: the individual’s full name, title, contact information, and last known employer;
 - b. as to a corporation: its full name and contact information; and
 - c. as to a person other than an individual or a corporation: its official name, organizational form, and contact information.
6. Document Alteration or Deletion. Explain the reason and identify the person responsible for any deleted, altered or redacted portion of a submitted document.
7. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.
8. No Effect on Other Legal Obligations. This information request in no way alters or relieves you of other legal responsibilities or restrictions imposed on operations at the Site at the federal, state or local government level.

INFORMATION REQUEST

1. Provide the average daily volume of wastewater entering the wastewater treatment plant over the last 90 calendar days.
2. Provide the destination of treated wastewater over the last 90 calendar days (e.g. discharge to surface waters, recycle/reuse, or storage), and include laboratory sampling results of the treated effluent.
3. Provide a general description of ongoing activities at the Rancheria that are contributing sewage flow to the wastewater treatment plant, including the number of households, administrative offices, maintenance activities, and any current staffing at the casino/resort.
4. Describe the current water levels and storage capacity in each of the 3 effluent storage tanks (1.5 million gallons capacity) and the current storage capacity of the wastewater treatment plant and any ancillary storage areas.
5. Describe the current staffing level at the wastewater treatment system.
6. Describe, to the extent practical, the planned operation and maintenance of the wastewater treatment system to maintain compliance with the effluent limitations and conditions of the NPDES permit.
7. At least seven calendar days prior to ceasing operations at the wastewater treatment plant, you must notify U.S. Environmental Protection Agency Region 9 with a closure plan by email and postal mail at the addresses provided below. The closure plan must include a description of all activities to ensure untreated sewage will not overflow at any point in the collection system or treatment system. The closure plan must document the cessation of sewage entering the wastewater treatment plant, and must document the proper closure and/or emptying of storage tanks and treatment system tanks to prevent unsanitary conditions.

8. EPA Address:

U.S. Environmental Protection Agency, Region 9
Enforcement Division, ENF-3-1
Attn: John Tinger
75 Hawthorne St
San Francisco, CA 94105

Tinger.John@epa.gov
(415) 972-3518